



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8905 of 2020

1. R.Ramachandran
2. P.Ramasamy
3. R.Chitra Devi

... Petitioners/Accused No.1 to 3

Vs

The State Rep. by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
Cr.No.620 of 2020.

... Respondent/Complainant

For Petitioners : M/s.B.Senthilkumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.620 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 323 of I.P.C. and Section 4 of TNPWH Act, in Crime No.620 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the parties, in which, the mediation has been conducted, on the date of occurrence, there was a wordy quarrel between the parties. Due to which, the petitioners said to have attacked and scolded the de-facto complainant and caused injuries.



3.The learned counsel appearing for the petitioners would submit that the first petitioner is the husband of the de-facto complainant and the 2nd and 3rd petitioners are in-laws of the de-facto complainant. He would further submit that due to misunderstanding between the first petitioner and the de-facto complainant, both were living separately. In the mean time, the family elders compromised the de-facto complainant and she came to the matrimonial home and living with the first petitioner. He would further submit that one Naveen, who is the friend of the de-facto complainant was threatening with some photos which was taken by him in a romantic mode and send the same to her husband cell phone. Due to the above, the de-facto complainant gave a complaint before the respondent police in CSR.No.71 of 2020. When the petitioners questioned about the de-facto complainant's activities, the de-facto complainant's father slapped the first petitioner. On that motive, the de-facto complainant has given the false complaint before the respondent police against the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that due to matrimonial dispute, there was a wordy between the parties and both of them attacked each other. He would further submit that it is a case in counter and the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence said to have taken place in a wordy quarrel and it is a case in counter and the injured person in this case has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two common sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

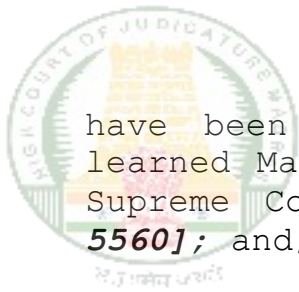
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.SENTHIL KUMAR, Advocate (SR-6143[I] dated 27/08/2020)

ORDER
IN
CRL OP (MD) No.8905 of 2020
Date : 27/08/2020

SJI
TE/JC/SAR-III : 02/09/2020 : 3P/6C